

Counsel for Highland Capital Management, L.P.

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,

Plaintiff,

vs.

JAMES D. DONDERO,

Defendant.

§ Chapter 11

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§ Case No. 19-34054-sgj11

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§ Adversary Proceeding

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§ No. 20-3190-sgj11

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¹ The Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Debtor is 300 Crescent Court, Suite 700, Dallas, TX 75201.

Highland Capital Management, L.P. (the “Debtor”) submits the following witness and exhibit list with respect to *Plaintiff’s Verified Original Complaint for Injunctive Relief* [Docket No. 1] (the “Complaint”) which the Court has set for trial during the week of May 17, 2021 (the “Trial”) in the above-styled adversary proceeding (the “Adversary Proceeding”).

A. Witnesses:

1. James P. Seery, Jr.
2. James Dondero
3. Any witness identified by or called by any other party; and
4. Any witness necessary for rebuttal.

B. Exhibits:

Letter	Exhibit	Offered	Admitted
1.	Debtor’s Amended Witness and Exhibit List With Respect to Evidentiary Hearing to be Held on January 8, 2021 [Docket No. 46]		
2.	Declaration of Mr. James P. Seery, Jr. in Support of the Debtor's Motion for a Temporary Restraining Order Against Mr. James Dondero [Docket No. 46-1]		
3.	Letter from NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P to James Seery dated October 16, 2020 [Dondero Deposition Exhibit 1; Docket No. 46-2]		
4.	Letter from NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P to James Seery dated November 24, 2020 [Dondero Deposition Exhibit 2; Docket No. 46-3]		
5.	Email string dated between November 24, 2020 and November 27, 2020 re SKY equity [Dondero Deposition Exhibit 3; Docket No. 46-4]		
6.	James Dondero text messages dated November 24, 2020 [Dondero Deposition Exhibit 4; Docket No. 46-5]		
7.	Debtor’s First Request for the Production of Documents Directed to James Dondero [Dondero Deposition Exhibit 5; Docket No. 46-6]		

Letter	Exhibit	Offered	Admitted
8.	Text messages between James Dondero and Jason Rothstein (Dondero 000022; Dondero Deposition Exhibit 6; Docket No. 46-7]		
9.	Text messages between James Dondero and Tara Loiben (Dondero 000013; Dondero Deposition Exhibit 7; Docket No. 46-8]		
10.	Order Resolving James Dondero's Emergency Motion for a Protective Order [Docket No. 46-9]		
11.	Order Granting Debtor's Motion for a Temporary Restraining Order Against James Dondero [Dondero Deposition Exhibit 9; Leventon Deposition Exhibit 1; Ellington Deposition Exhibit 1; Docket No. 46-10]		
12.	Letter from Pachulski Stang Ziehl & Jones LLP to D. Michael Lynn dated December 23, 2020 [Dondero Deposition Exhibit 10; Docket No. 46-11]		
13.	Email string dated December 18, 2020 re Jefferies recap [Dondero Deposition Exhibit 11; Docket No. 46-12]		
14.	Response to K&L Gates LLP dated December 22, 2020 [Dondero Deposition Exhibit 12; Docket No. 46-13]		
15.	Response to K&L Gates LLP dated December 23, 2020 [Dondero Deposition Exhibit 13; Docket No. 46-14]		
16.	Email string dated December 4, 2020 re Multi Strat summary balance sheet as of October 31, 2020 [Docket No. 46-15]		
17.	Email string dated December 12, 2020 re possible deal [Dondero Deposition Exhibit 15; Docket No. 46-16]		
18.	Email string dated December 16, 2020 re list for joint meeting [Dondero Deposition Exhibit 16; Docket No. 46-17; Bates Nos. HCMLP 000487-000488]		
19.	Text messages between James Dondero and Melissa Schroth (Dondero 000014; Dondero Deposition Exhibit 17; Docket No. 46-18]		
20.	Text messages between James Dondero and Isaac Leventon (Dondero 000043; Dondero Deposition Exhibit 18; Leventon Deposition 9; Docket No. 46-19]		
21.	Email string dated December 24, 2020 re HarbourVest settlement motion [Docket No. 46-20]		
22.	Letter from Bonds Ellis to J. Pomerantz dated December 29, 2020 [Docket No. 46-21]		

Letter	Exhibit	Offered	Admitted
23.	Email string dated between December 7, 2020 and December 8, 2020 re call scheduled by Scott Ellington [Docket No. 46-22]		
24.	Email string dated December 15, 2020 re The Dugaboy Investment Trust and Get Good Trust Common Interest Agreement [Leventon Deposition Exhibit 8; Docket No. 46-23]		
25.	Letter from K&L Gates to J. Pomerantz dated December 31, 2020 [Docket No. 46-24]		
26.	Email string dated December 23, 2020 re Dondero call [Docket No. 46-25]		
27.	Letter from Pachulski Stang Ziehl & Jones LLP to D. Michael Lynn dated December 23, 2020 [Dondero Deposition Exhibit 10]		
28.	Debtor's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO [Docket No. 48]		
29.	Debtor's Memorandum of Law in Support of the Debtor's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO [Docket No. 49]		
30.	Declaration of John A. Morris in Support of the Debtor's Motion for an Order Requiring Mr. James Dondero to Show Cause Why He Should Not Be Held in Civil Contempt for Violating the TRO [Docket No. 50]		
31.	The Official Committee of Unsecured Creditors' Expedited Requests for Production of Documents to Highland		
32.	The Official Committee of Unsecured Creditors' Second Requests for Production of Documents to Highland		
33.	The Official Committee of Unsecured Creditors' Third Requests for Production of Documents to Highland		
34.	The Official Committee of Unsecured Creditors' Fourth Requests for Production of Documents to Highland		
35.	Official Committee of Unsecured Creditors' Emergency Motion to Compel Production by the Debtor [Docket 808]		
36.	Debtor's Motion for Entry of (I) A Protective Order, or, in the Alternative, (Ii) An Order Directing the Debtor to Comply With Certain Discovery Demands Tendered by the Official Committee of Unsecured Creditors, Pursuant to Federal Rules of Bankruptcy Procedure 7026 and 7034 [Docket 810]		

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37.	Transcript of 07/21/20 Hearing		
38.	Transcript of 01/08/21 Hearing		
39.	Transcript of 01/26/21 Hearing		
40.	Transcript of 03/22/21 Hearing		
41.	Transcript of 03/24/21 Hearing		
42.	Highland – PSZJ Billing Detail (December 2020) [Bates Nos. HCMLP 000740-000785]		
43.	Highland – PSZJ Billing Detail (January 2021) [Bates Nos. HCMLP 000786-000828]		
44.	Response of James Dondero to the Official Committee of Unsecured Creditors’ Emergency Motion to Compel Production by the Debtor [Case No. 19-34054, Docket No. 832]		
45.	E-mail string from October 26, 2020 titled “Highland: Privilege Terms Searches” [Leventon Deposition Exhibit 2]		
46.	E-mail string from November 13, 2020 titled “Highland: Document Production Issues” [Leventon Deposition Exhibit 3]		
47.	E-mail string dated December 3, 2020 titled “Highland: Firm Phones” [Leventon Deposition Exhibit 4]		
48.	E-mail dated December 3, 2020 from Leventon to Kim, Schroth [Leventon Deposition Exhibit 5; Bates No. HCMLP 000382]		
49.	E-mail string dated December 4, 2020 titled “Dugaboy Investment Trust” [Leventon Deposition Exhibit 6; Bates Nos. HCMLP 000426-000427]		
50.	E-mail string dated December 7, 2020 re Engagement [Leventon Deposition Exhibit 7; Bates Nos. HCMLP 000374-000376]		
51.	E-mail dated January 11, 2021 re AT&T changes to account [Ellington Deposition Exhibit 2; Bates Nos. HCMLP 000372-000373]		

Letter	Exhibit	Offered	Admitted
52.	E-mail dated December 11, 2020 re Testimony [Ellington Deposition Exhibit 3; Bates No. HCMLP 000498]		
53.	E-mail dated December 12, 2020 re witnesses for hearing [Ellington Deposition Exhibit 4; Bates No. HCMLP 000504]		
54.	E-mail dated December 15, 2020 re Clubok [Ellington Deposition Exhibit 6; Bates No. HCMLP 000496]		
55.	E-mail dated December 16, 2020 from Michael Lynn to Scott Ellington re Call [Ellington Deposition Exhibit 9; Bates No. HCMLP 000515]		
56.	E-mail dated December 24, 2020 re Letters to and From K&L Gates [Ellington Deposition Exhibit 11; Bates Nos. HCMLP 000509-000512]		
57.	E-mail string dated December 24, 2020 re Letter and Discovery Requests [Ellington Deposition Exhibit 12; Bates Nos. HCMLP 000606-000619]		
58.	Highland's New Cell Phone Reimbursement Policy dated March 27, 2012		
59.	Highland Capital Management Employee Handbook		
60.	Annual Certification and Conflicts of Interest Disclosure 2019 (James Dondero) (REDACTED)		
61.	Q3 2020 Questionnaire and Transactions Certification (James Dondero) (REDACTED)		
62.	Annual Certification and Conflicts of Interest Disclosure 2019 (Scott Ellington)		
63.	Q3 2020 Questionnaire and Transactions Certification (Scott Ellington)		
64.	Chart of Highland Capital Management, L.P. Professional Fees		
65.	E-mail dated December 17, 2020 re Trading Restriction re MGM		
66.	Any document entered or filed in the Adversary Proceeding, including any exhibits thereto		
67.	Any document entered or filed in the Debtor's chapter 11 bankruptcy case, including any exhibits thereto		

Letter	Exhibit	Offered	Admitted
68.	All exhibits necessary for impeachment and/or rebuttal purposes		
69.	All exhibits identified by or offered by any other party at the Hearing		

Dated: April 26, 2021.

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